

# BARNES & THORNBURG LLP

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group:	1611	}	
		}	
Confirmation No.:	3174	}	
		}	
Application No.:	10/550,439	}	
		}	
Invention:	<b>Metallic Nanoparticles As Orthopedic Biomaterial</b>	}	<b>Filed Electronically On:</b>
		}	<b>May 16, 2008</b>
		}	
Applicant:	Webster et al.	}	
		}	
Filed::	September 22, 2005	}	
		}	
Attorney Docket:	3220-100522	}	
		}	
Examiner:	Isis A.D. Ghali	}	

### INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This Statement is filed in the application identified above pursuant to 37 C.F.R. § 1.56 and pursuant to the holding of the Federal Circuit Court of Appeals in the case *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003). No representation is intended that a complete search has been made of the prior art or that no better art references are available.

In the *Dayco* case, it was held that a rejection of a substantially similar claim in a co-pending United States application being examined by another examiner is considered material

to patentability. In an abundance of caution, and without any admission that the claims of the following applications are substantially similar, applicants are advising the Examiner of co-pending U.S. Patent Application Nos. 10/550,427; 10/362,148; 10/634,292; 10/793,721; and 10/253,300 (now abandoned) which are directed to related subject matter.

The filing of this Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

Applicants believe that no fees are required with this response. If any fees are required, the Commissioner is hereby authorized to charge the same to the account of Barnes & Thornburg LLP, Deposit Account No. 10-0435, with reference to our matter 3220-100522.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'John P. Breen', with a long horizontal flourish extending to the right.

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